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Attorneys for Petitioner
UBER TECHNOLOGIES, INC.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Uber Technologies, Inc.,

Petitioner,

v.

Sir Lawrence Davis,

Respondent.

Case No. 2:23-cv-00416-JAT

**MOTION FOR ALTERNATIVE
SERVICE**

I. INTRODUCTION

Pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) and Rule 4.1(k) of the Arizona Rules of Civil Procedure (“Ariz. R. Civ. P.”), Petitioner Uber Technologies, Inc. hereby requests an Order authorizing alternative service by e-mail to Respondent Sir Lawrence Davis’s last known e-mail address, mailing the documents to his last known address, and by e-mailing the documents to his current legal counsel. This request is supported below.

II. RELEVANT FACTS

1. On March 9, 2023, Petitioner filed a Petition for Confirmation of Arbitration Award with this Court.

2. On March 9, 2023, Petitioner provided Christopher Houk, Mr. Davis’s attorney in the underlying Arbitration (as well as his attorney in a separate litigation matter),

1 a courtesy copy of the Petition for Confirmation of Arbitration Award and requested that
 2 he accept service. However, Mr. Houk stated that his client did not authorize him to accept
 3 service. *See* Email Communication with Mr. Houk attached as **Exhibit A**.

4 3. The Petition for Confirmation of Arbitration and Summons were sent for
 5 service of process on March 17, 2023.

6 4. The process server attempted to serve Mr. Davis on five occasions between
 7 March 17, 2023, and March 27, 2023. All attempts were made at Respondent's last known
 8 address (1505 N. Central Ave., Apt. 341, Phoenix, AZ 85004) at various hours. *See*
 9 Certificate of Attempted Service attached as **Exhibit B**.

10 5. Following the service attempts, on March 29, 2023, Mr. Houk filed an
 11 appellate brief on Mr. Davis's behalf in the lawsuit *Davis v. Wag Labs Et al.*, No. 22-16802,
 12 indicating Mr. Houk continues to have an ongoing attorney/client relationship with
 13 Mr. Davis.

14 Because the evidence indicates Mr. Davis may be avoiding physical service and the
 15 evidence supports that Mr. Davis is well-aware of this action based on his ongoing
 16 relationship with Mr. Houk, Petitioner respectfully requests that the Court grant this Motion
 17 for Alternative Service.

18 **III. LEGAL GROUNDS**

19 Rule 4(e)(1), Fed. R. Civ. P., provides that an individual may be served by
 20 "following state law for serving a summons in an action brought in courts of general
 21 jurisdiction in the state where the district court is located or where service is made[.]" Rule
 22 4.1(k), Ariz. R. Civ. P., provides that if service by an authorized method is "impracticable,
 23 the court may—on motion and without notice to the person to be served—order that service
 24 may be accomplished in another manner." "Impracticable," for purposes of determining
 25 whether Petitioner should be permitted to use alternative means of serving documents on
 26 Respondent, "does not mean impossible, but rather that service would be extremely difficult
 27 or inconvenient." *Bank of New York Mellon v. Doe*, 246 Ariz. 1, 10, 433 P.3d 549, 558
 28 (Ct. App. 2018) (internal quotation and citation omitted).

Because multiple attempts have been made for service of process by a qualified process server, Petitioner now respectfully requests that Mr. Davis can be alternatively served by:

1. Mailing the Petition for Confirmation of Arbitration Award and Summons to the last known address of Mr. Davis;

2. E-mailing the Petition for Confirmation of Arbitration Award and Summons to the last known e-mail address for Mr. Davis; and

3. E-mailing Mr. Davis's attorney, Mr. Houk, copies of the Petition for Confirmation of Arbitration Award and Summons.

IV. CONCLUSION

The evidence demonstrates that Mr. Davis is aware of this action. The process server made multiple attempts to serve Mr. Davis but it appears he is avoiding service. Accordingly, there is justifiable cause to allow service via e-mail, mail, and e-mail to his attorney of record. This Motion is accompanied by a proposed Order Authorizing Alternative Service.

Dated: April 13, 2023

/s/ Yijee Jeong

Kristy L. Peters
Yijee Jeong
LITTLER MENDELSON, P.C.
Attorneys for Petitioner
Uber Technologies, Inc.

I hereby certify that I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants, and mailed a copy of same to the following if non-registrants, this 13th day of April, 2023, to:

I hereby certify that a copy was sent via U.S. Mail to the following on this 13th day of April, 2023:

1 Sir Lawrence Davis
2 1505 N. Central Ave., Apt. 341
3 Phoenix, AZ 85004

4 /s/ Vicky Ramirez

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